

REMARKS

Claims 1, 2, 4-14, 16, 20-25, 27 and 28 are currently pending in the subject application and are presently under consideration. Claims 1, 2, 14, 25, 27, and 28 have been amended herein. A complete listing of claims can be found on pages 2-6.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 2, 4-14, 16, 20-25, 27 and 28 Under 35 U.S.C. §102(e)

Claims 1, 2, 4-14, 16, 20-25, 27 and 28 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ito et al. (EP 1 089 578 A2). Applicants' representative respectfully disagrees that Ito et al. anticipates the subject claimed matter, and requests this rejection be withdrawn for the at least the following reasons. Ito et al. does not teach or suggest each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Claim 1.—The subject independent claim recites: *computing a next wakeup time for the first communication module, the computing act based at least in part on a time period set by the wireless mobile unit.* Ito et al. fails to disclose such novel claimed feature.

Ito et al. relates to "a mobile radio communication terminal for selectively using a plurality of radio communication systems to perform radio communication" (§[0001]; Ito et al.). In addition, the cited reference discloses "a **first radio communication period depending on an distant apparatus**; second communicating means for operating a second radio communication mode with a second radio communication period which can be set by an originating apparatus; and communication period setting means for making at least part of the second radio communication period coincide with the first radio communication period (emphasis added)" (§[0009]; Ito et al.). Furthermore, in the passages of Ito et al. cited on page 3 of the Office Action dated January 31, 2008, in this rejection of independent claim 1, the primary reference discloses: "the wait operation period according to the W-CDMA system depends on

the timing of frames sent from the base station while the wait operation period according to the BT system can be arbitrarily set by the originating apparatus. (Emphasis added.)” Such is not the claimed limitation of *computing a next wakeup time for the first communication module, the computing act based at least in part on a time period set by the wireless mobile unit* recited in independent claim 1. Rather, in Ito et al. it is disclosed “The wait period setting control means 111 supervises the leading edge of a wait operation period according to the W-CDMA system during **intermittent reception** in wait operation” (§[[0051]; Ito et al.) and “[...] the wait operation **period set via a negotiation with the base station BS [...]**” (Emphasis added.)” (§[[0052]; Ito et al.)

It is to be appreciated that in Ito et al. the determination of a wait period for a first communication system includes detection of frames received from a base station and negotiation with a base station. Such mechanism to determine a wait period fails to comprise any computing act, as claimed in independent claim 1 and discussed in paragraph [0037] of the instant application. Additionally, the mechanism disclosed in Ito et al. for setting a wait period relies on detection of signal conveyed by a base station, which poses a disadvantage with respect to the claimed limitation of *the computing act based at least in part on a time period set by the wireless mobile unit* recited in independent claim 1 since detection of signal from a base station can be severely deteriorated under poor channel quality conditions, conditions in which Ito et al. advantages cease to be available to a mobile terminal. Accordingly, applicants’ representative respectfully submits that Ito et al. fails to anticipate independent claim 1.

Claims 2, and 4-8.—Independent claim 2 (from which claims 4-8 depend) recites: *calculating a next communications wakeup time based at least in part on a time period set by the wireless mobile unit.* as discussed above in connection with independent claim 1, Ito et al. fails to disclose such novel feature. The subject claimed feature of independent claim 2 is similar to the limitation recited independent claims 1; thus, for at least the same reasons as stated above when discussing independent claim 1, the cited reference fails to disclose each and every element as set forth in independent claim 2. Accordingly, applicants’ representative respectfully submits that Ito et al. fails to anticipate independent claim 2.

Claims 9-13.—Independent claim 9 (from which claims 10-13 depend) recites: *calculating a communications interval, said communications interval equaling a next communications wakeup time less said current communications time.* Ito et al. fails to recited

such claimed novel feature. As discussed above in connection with rejection of claim 1, the cited reference fails to teach or suggest **computing** communication times let alone *calculating a communications interval, said communications interval equaling a next communications wakeup time less said current communications time*. In this rejection of independent claim 9, it is contended on page 5 of the Office Action dated January 31, 2008, that Ito et al. teaches the limitation of *calculating a communications interval* in view of “Gap between W-CDMA and BT wait operation.” Yet, such assertion fails to actually teach or suggest a *calculating* act. Rather, in Ito et al. the “gap” alluded to in the Office Action dated January 31, 2008, is the result of detection of received signals as disclosed in the cited reference: “The wait period setting control means 111 supervises the leading edge of a wait operation period according to the W-CDMA system during **intermittent reception** in wait operation, and starts the wait operation period according to the BT system in synchronization with the **detection timing** of the leading edge.” (§[0051]; Ito et al.) and “**negotiation with the base station BS** [...]” (Emphasis added.)” (§[0052]; Ito et al.) Accordingly, applicants’ representative respectfully submits that Ito et al. fails to anticipate independent claim 9.

Claims 14-16 and 22.—Independent claim 14 (from which claims 15-16 and 22 depend) recites: *a communications module configured to perform a communications wakeup process at a next communications wakeup time, wherein said wakeup time is computed based at least in part on a set time period and the communications module is further configured to receive a pilot signal and derive a current communications time from said pilot signal*. For at least the reasons discussed above in connection with independent claims 1 and 2, applicants’ representative respectfully submits that Ito et al. fails to teach or suggest this novel limitation of independent claim 14. Accordingly, applicants’ representative respectfully submits that Ito et al. fails to anticipate the subject independent claim.

Claims 25.—The subject independent claim recites: *means for computing the next communications wakeup time*. It is to be noted that §[0023] and §[0037] offer support within the specification for the claimed *means for computing the next communications wakeup time*. For at least the reasons discussed above in connection with independent claims 1 and 2, applicants’ representative respectfully submits that Ito et al. fails to anticipate the subject independent claim.

Claims 27 and 28.—Independent claim 27 (from which claim 28 depend) recites:

computing a next communications wakeup time based at least in part on a set time period.

The subject claimed limitation is similar to a recited limitation in independent claims 1 and 2, and for at least the reasons stated when discussing such independent claims, applicants' representative respectfully submits that Ito et al. fails to disclose each and every element as set forth in independent claim 27 and claim 28 dependent there from. Accordingly, applicants' representative respectfully submits that Ito et al. fails to anticipate the subject independent claim.

In view of at least the foregoing, and that the standard by which anticipation is to be measured is *strict identity* between the cited document and the subject matter as claimed, not mere equivalence or similarity (see *Richardson* at 9 USPQ2d 1913, 1920), applicants' representative respectfully submits that Ito et al. fails to anticipate independent claims 1, 2, 9, 14, 25 and 27, as well as claims dependent thereupon. Accordingly, applicants' representative respectfully requests this rejection of claims 1, 2, 4-14, 16, 20-25, 27 and 28 be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [QUALP837US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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